

AMENDED IN ASSEMBLY JANUARY 8, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1392

Introduced by Assembly Member ~~Perata~~ Scott

February 28, 1997

~~An act to amend Section 12320 of the Penal Code, relating to deadly weapons. An act to amend Section 606 of the Welfare and Institutions Code, relating to juveniles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1392, as amended, ~~Perata~~ Scott. ~~Handgun ammunition Juveniles: criminal trials.~~

Existing law, the Arnold-Kennick Juvenile Court Law, provides that any person under the age of 18 when he or she violates a law defining crime, other than a curfew ordinance based on age, is within the jurisdiction of the juvenile court, which may adjudge the person to be a ward of the court. Moreover, when a petition has been filed in a juvenile court, the minor who is the subject of the petition may not thereafter be subject to criminal prosecution based on the facts giving rise to the petition unless the juvenile court finds that the minor is not a fit and proper subject to be dealt with under this chapter and orders that criminal proceedings be resumed or instituted against the minor.

This bill would provide, as a further exception to the latter prohibition, petitions transferred to a court of criminal jurisdiction pursuant to a specified provision of law.

~~Existing law prohibits any person, firm, or corporation from knowingly possessing any handgun ammunition designed primarily to penetrate metal or armor.~~

~~This bill would make technical, nonsubstantive changes to this prohibition.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12320 of the Penal Code is~~
2 ~~amended to read:~~

3 ~~12320. Any person, firm, or corporation who, within~~
4 ~~this state, knowingly possesses any handgun ammunition~~
5 ~~designed primarily to penetrate metal or armor is guilty~~
6 ~~of a public offense and upon conviction thereof shall be~~
7 ~~punished by imprisonment in the state prison, or in a~~
8 ~~county jail for a term not to exceed one year, or by a fine~~
9 ~~not to exceed five thousand dollars (\$5,000), or by both~~
10 ~~that fine and imprisonment.~~

11 *SECTION 1. Section 606 of the Welfare and*
12 *Institutions Code is amended to read:*

13 606. When a petition has been filed in a juvenile court,
14 the minor who is the subject of the petition shall not
15 thereafter be subject to criminal prosecution based on the
16 facts giving rise to the petition unless the juvenile court
17 finds that the minor is not a fit and proper subject to be
18 dealt with under this chapter and orders that criminal
19 proceedings be resumed or instituted against him *or her*
20 *or the petition is transferred to a court of criminal*
21 *jurisdiction pursuant to subdivision (b) of Section 707.01.*

